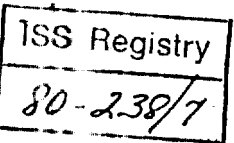


13 MAY 1980



MEMORANDUM FOR: See Distribution

STATINTL

FROM:

[Redacted]

Chief, Legislation Division, OLC

SUBJECT:

Paperwork Reduction Act of 1980, H.R. 6410

1. Attached for your review is a draft Agency views letter to Senator Abraham A. Ribicoff, Chairman of the Senate Committee on Governmental Affairs, concerning the Paperwork Reduction Act of 1980. We have previously sent you a copy of the Bill. (OLC 80-0824/2, 28 April 1980).

STATINTL

2. Please send any suggested revisions to [Redacted] of my staff by the close of business, Wednesday, 14 May 1980.

STATINTL

[Redacted]

Attachment

Distribution

1 - [Redacted]
1 - [Redacted]
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OLC:DSA:sf (13 May 1980)

STATINTL

Honorable Abraham A. Ribicoff, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter presents the views of the Central Intelligence Agency on the Paperwork Reduction Act of 1980. The Bill, H.R. 6410, currently pending before your Committee, seeks to reduce the paperwork burden which the government imposes on the public, to maximize the usefulness of government information, and to rationalize government use of computer technology. The Central Intelligence Agency fully supports these legislative objectives. While it appears that the drafters of the legislation had no intention to affect intelligence activities adversely, the Bill as currently drafted would have a negative impact on the Central Intelligence Agency in the conduct of its foreign intelligence mission.

To reduce the public's paperwork burden, the Bill requires Office of Management and Budget (OMB) approval for every agency solicitation of information from ten or more persons. In so doing, the Bill directs OMB to approve only those information requests which OMB determines to be necessary and of practical utility in the conduct of an agency's mission. Accordingly, the Bill would require OMB approval before the Central Intelligence Agency could solicit the same information from ten or more intelligence sources or ten or more intelligence officers. Adding a layer of bureaucracy to the time-critical intelligence collection process would slow it considerably, an anomalous result with potentially dangerous consequences. The OMB clearance requirement would also have the adverse effect of removing decision making authority in intelligence collection from those who have the relevant expertise.

Even more troublesome, from the viewpoint of security of sensitive information, are those provisions of the Bill which contemplate: publication of notice of a proposed information collection request in the Federal Register; mandatory registration of information collection requests in the Federal Information Locator System (FILS), which may include "data profiles of

major information holdings at agencies;" and the subsequent sharing of the information collected with other agencies and the public. Application of such provisions to the Central Intelligence Agency would be inconsistent with the longstanding determination of the President and the Congress to limit the proliferation of access to sensitive information concerning intelligence and counterintelligence programs and activities.

To correct similar problems, the Justice Department has proposed an amendment to the Bill's definition of "collection of information" (subsection 3502(2)) to exclude law enforcement, litigation, and foreign counterintelligence collection. The Central Intelligence Agency supports the Justice Department approach and suggests the following amendment to include foreign positive intelligence matters:

At page 4, beginning on line 11, after "purpose" insert "other than law enforcement, litigation, or intelligence activities governed by Executive Order 12036 or its successor,".

This amendment would maintain the Central Intelligence Agency's ability to collect intelligence with efficiency and security, without generating any increase in government paperwork.

An additional difficulty arises from the authority given to OMB in §3505 (1)(A) of the Bill to assign responsibility for conducting single agency, multi-agency, or government-wide audits of major information systems. The OMB role in establishing government information policy should not extend to control of an agency's internal auditors nor to the use of one agency's auditors to investigate another agency. The inspector general and internal auditors of each agency should audit agency compliance with OMB policy, given their greater familiarity with the agency and their ability to act quickly within the agency to correct problems. In the Central Intelligence Agency, the Bill's outside audit provision would result in special complications, owing to the need to clear outside auditors for access to sensitive classified information and to protect such information from the increased risks of disclosure accompanying the outside audit. To solve this problem, the Central Intelligence Agency supports the following amendments to the Bill, proposed by the Interagency Committee on Automatic Data Processing (ADP):

ILLEGIB

At page 14, on line 1, substitute a semicolon for the comma and strike the remainder of clause (A).

At page 23, on line 18, strike all of subsection (a), redesignate subsections (b) and (c) as (a) and (b) respectively, and at page 24, on line 1, substitute "agency compliance with this chapter" for "the results of inspections".

ILLEGIB

The Bill raises other "ADP" issues which have been thoroughly addressed in a March 1980 letter to OMB from the Chairman of the Interagency Committee on Automatic Data Processing. The CIA supports the amendments suggested therein.

A final difficulty with the Bill arises from the provision giving the Comptroller General access to all information to which the OMB office administering the Bill has access. The provision would conflict with limitations placed on the Comptroller General's authority by the recently passed General Accounting Office Act of 1980, P.L. 96-226. To correct this, the Central Intelligence Agency supports the following amendment proposed by the Justice Department:

At page 27, on line 23, strike the period and insert "unless the information contained in such books, documents, papers, and records could be withheld from disclosure to the Comptroller General by an agency pursuant to the General Accounting Office Act of 1980.".

I appreciate the opportunity to present the views of the Central Intelligence Agency on H.R. 6410. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the President's program.

Sincerely,

Frederick P. Hitz
Legislative Counsel

ROUTING AND RECORD SHEET

SUBJECT: (Optional) STATINTL H.R. 6410, "Paperwork Reduction Act of 1980"			
FROM: Chief, Information Services Staff 5B-2830, Hqs.		EXTENSION 5117	NO. ISS 80-238/8 DATE 14 May 1980
TO: (Officer designation, room number, and building)	DATE RECEIVED FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Director of Communications			<p>Forwarded for review and any comments you wish to make is a draft of an OLC proposed views letter to the Senate Committee on Governmental Affairs on H.R. 6410.</p> <p>In view of the response deadline (COB 14 May), please make known to OLC directly any additions, corrections or deletions you wish to see in the letter.</p> <p>STATINTL </p> <p>Att: a/s </p>
2. Director of Data Processing			
3. Director of Finance			
4. Director of Logistics			
5. Director of Medical Services			
6. Director of Security			
7. Director of Training			
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